REMARKS

Claims 1 - 47 are pending in the application.

SPECIFICTION

The Official Action notes the use of the terms "Cisco, CNS, IE2100, RADIUS, TLV, and CDP", which the Official Action has interpreted as trademarks/tradenames. The Official Action states that all trademarks/trademarks should be capitalized and be accompanied by generic terminology.

Applicants do not agree that all of the objected to terms are being used as a trademark/tradename. For example, "TLV" is used in the specification and claims as an **acryonym** for "type-length-value." TLV is not used in the specification or claims as a trademark or tradename.

With respect to providing generic terminology, the terms such as "Cisco Networking Services (CNS)", "RADIUS" and "CDP" have been provided as examples or particular embodiments of the present invention. The present invention is in no way limited to these particular examples or particular embodiments. Moreover, more general terminology for these examples and embodiments is already present in the specification. For example, paragraph 29 states that "[i]n one embodiment, the management application is the Cisco CNS configuration engine, from Cisco Systems, Inc., San Jose, California." Paragraph 41 states that "SSG provides a user identifier of a logged-in user, group, or role as determined by an authentication, access and accounting (AAA) server, such as a RADIUS sever." Paragraph 41 states that "[i]n another feature, the type identifier of the second element is the capabilities

TLV or platform TLV of a Cisco Discovery Protocol (CDP) message from the second element; the identity identifier of the second element is the sysName TLV of a CDP message from the second element.

Applicants note that the term "IE2100" is only referenced in the background art section as an example of a particular technique. There is no need to provide generic terminology.

Finally, Applicants assert that the proprietary nature of any marks used in the application is being respected.

CLAIM REJECTIONS

35 U.S.C. 112

Claims 9, 16, 21, 32, 39, 44 and 45 have been rejected as allegedly containing trademark/trade names(s). Claims 9, 16, 21, 32, 39 and 44 contain Cisco Discovery Protocol or CDP and claims 9, 16, 32 and 39 contain TLV. The rejection is traversed for the following reasons.

Claim 45 does not contain either "TLV" or "CDP". Applicants presume that the rejection to Claim 45 is inadvertent. Applicants request confirmation that Claim 45 is not rejected under 35 U.S.C. 112. Applicants refer the Examiner to Applicants' previous response for reasons why Claim 45 complies with 35 U.S.C. 112.

Applicants respectfully assert that "TLV" is used in the specification and claims as an **acryonym** for "type-length-value." The term "type-length-value" is described with considerable precision in the application. Applicants are aware that the term "TLV" might be a trademark when used to convey another meaning. However, as used by Applicants, TLV is not a trademark or trade name. For the foregoing reasons, the term TLV is clear and definite.

Applicants maintain that use of a term that may be considered a trademark or tradename is not per se indefinite under 35 U.S.C. 112, second paragraph. As Applicants have previously argued, the term "Cisco Discovery Protocol" (CDP) is clearly defined in the appendix that appears prior to the claims. The appendix will be published when the patent application issues (and if the patent application is published). Therefore, one can easily refer to the appendix that is published with the patent/application to understand the meaning of CDP.

Applicants respectfully request that the **Examiner provide a legal basis** to support the assertion on page 15 of the rejection that "one should not need to look into the appendix in order to discern what the tradename means."

For convenience, the Applicants include the following argument that was previously presented. To the extent that any terms in the claims and identified in 'the Office Action' may represent trademarks or tradenames, the claims comply with 35 U.S.C. 112 because the terms are understandable to one of ordinary skill in the art (e.g. the terms are industry standard acronyms). Applicants further assert that use of a trademark or tradename in a claim does not render the claim per se indefinite under 35 U.S.C. 112, paragraph 2. Rather, the test is whether one of ordinary skill in the art would be able to ascertain the scope of the claim, with a reasonable degree of particularity and precision, at the time the present application was filed. Further, although the MPEP does not carry the force of law, Applicants refer to MPEP 608.01(v), which indicates that tradenames may be used if their meanings are established by an accompanying definition that is sufficiently precise and definite or if their meanings are well-known and satisfactorily defined in the literature.

Applicants assert that the claim limitations of "TLV" and "CDP," would have been understood with a reasonable degree of particularity and precision by one of ordinary skill in the art at the time the present application was filed. The appendix to the present application describes a "CISCO DISCOVERY PROTOCOL" (CDP). Furthermore, the appendix describes various type-length-value (TLV) fields including, "capabilities TLV," "platform TLV," and "sysName TLV." Thus, one of ordinary skill in the art may refer to the appendix to ascertain the scope of Claim 9 with a reasonable degree of particularity and precision.

The arguments put forth in response to the rejection to Claim 9 apply with equal force to the limitations of Claims 16, 32 and 39.

For the foregoing reasons, Claims 9, 16, 21, 32, 39, 44, and 45 comply with 35 U.S.C. 112, paragraph 2.

CLAIM REJECTIONS

35 U.S.C. 101

Claims 24-45 are rejected under 35 U.S.C. 101 as allegedly not limited to tangible embodiments. The rejection is traversed for the following reasons.

The Applicants have previously amended Claims 24-45, **as previously suggested by the Examiner,** by adding the term "tangible" prior to "computer readable medium" in each of Claims 24 – 45. Applicants respectfully assert that the rejection, which is based on the argument that the claims might potentially include intangible embodiments, is in error. The reason is that Claims 24 – 45 are clearly limited to a tangible computer readable medium.

For the foregoing reasons, Applicants respectfully assert that Claims 24-45 comply with 35 U.S.C. 101.

CLAIM REJECTIONS

35 U.S.C 102

Claims 1 - 8, 10 - 15, 19 – 21, 23 - 31, 33-38 and 42-44 are rejected under 35 U.S.C. 102 as being anticipated by Sato US 2003/0012182 A1 ("Sato"). The rejection is traversed for the following reasons.

Claim 1 recites:

A method of automatically configuring a port of a network element, comprising the steps of:

> discovering information that identifies or describes a device type of a second network element that is coupled to a port of a first network element;
> associating the port with a port role definition selected from a plurality of port role definitions based on the discovered information;
> retrieving zero or more configuration settings that are associated with the selected port role definition; and
> applying the zero or more configuration settings to the port.

Claim 1 recites limitations of discovering information that identifies or describes a device type of a second network element that is coupled to a port of a first network element, and applying zero of more configuration settings to the port of the first network element.

Therefore, the configuration settings are applied to a device other than the device for which information that identifies or describes the device type is discovered.

In contrast, Sato is concerned with performing an initial setting of a target device. To the extent that Sato may base this initial setting on information about any device, this information pertains to the target device. Thus, the initial setting of the target device is not based on information that identifies or describes a device type of **a different device**.

Sato fails to teach or suggest "associating the port with a port role definition selected from a plurality of port role definitions based on the discovered information," as claimed. The management table in Fig. 3A of Sato does not contain a port role definition. The management table of Fig. 3A contains network apparatus information, connection information, and configuration information, none of which is a port role definition.

The network apparatus information in the management table includes a MAC address, an IP address, and device type information. None of these are a port role definition. Rather they all pertain to characteristics of the target device. Clearly MAC and IP addresses are not roles. Moreover, the device type in the management table is not a port role. Applicants note that the port role definition recited in Claim 1 is based on the discovered information that identifies or describes the device type of the second device. Thus, the port role definition is not the same thing as the information that identifies or describes the device type. Thus, the device type information in the management table cannot be the claimed port role.

The connection information in the management table of FIG. 3A pertains to the interconnecting device (that is a device such as a switch, router, hub, etc. between the management device and the target device). In particular, the connection information includes the "connected relay device," which identifies the interconnecting device, but does not describe a port role. The connection information also includes a port number. However, a port number is not a port role, as claimed. Furthermore, while the connection information in the management table may identify a port of the connected relay device (interconnecting device), that port is not configured by using the management information table of Fig. 3A.

The configuration information in the management table of Fig. 3A includes a configuration file, which contains management information that is downloaded to the target (or network 60) device (paragraph 53). The configuration file is clearly not a port role, for at least the reason that the configuration file is downloaded to the target device. However, as previously discussed, Claim 1 recites that the port for which configuration settings are applied is a first device coupled to the second device for which information is discovered.

The configuration procedure in the management table of Fig. 3A is clearly not a port role. In contrast, the configuration procedure pertains to a procedure for downloading information to the target device. A procedure for downloading information is not a port role. The state in the management table of Fig. 3A pertains to whether the configuration file has yet been downloaded to the target device (see e.g., FIG. 14), which is clearly not a port role. The instruction in the management table of Fig. 3A pertains to backing up the configuration information (see e.g., paragraphs 58 – 61), which is clearly not a port role.

Therefore, none of the information in the management table can be a port role. For the foregoing reasons, Sato fails to teach or suggest "associating the port with a port role definition selected from a plurality of port role definitions based on the discovered information," as claimed.

Furthermore, Sato fails to teach or suggest "retrieving zero or more configuration settings that are associated with the selected **port role** definition," as claimed. For reasons already discussed, the management table of Fig. 3A of Sato fails to include a **port role**. In particular, Applicants note that the port number in the connection information is not a port role, but identifies a port of the connection relay device. Therefore, the management table cannot be used to retrieve configuration settings that are associated with the selected **port role** definition," as claimed.

Further, Sato fails to teach or suggest "**applying the zero or more configuration settings to the port," as claimed.** As Applicants have already discussed, Claim 1 recites that the port that has configuration settings applied thereto is on a first device which is coupled to a second device for which information that identifies or describes a device type of a second network is discovered. The rejection appears to interpret Sato's target (network) device as being the claimed second device, for which information about the device is discovered. Sato teaches that there is an intermediate device coupled to the target device. However, Sato in no way teaches applying zero of more configuration settings to a port of the intermediate device, wherein the configuration settings are retrieved as recited in other limitations of Claim 1.

Independent Claim 23 recites, "discovering device type information about a port of the router, using a discovery protocol," "based on the device type information, and a stored mapping, selecting a port role definition from among a plurality of stored port role definitions," "receiving zero or more stored network device configuration commands that are associated with the port role definition" and "applying the received configuration commands to the port." For at least reasons discussed in the response to Claim 1, Claim 23 is patentable over Sato.

Independent Claims 24, 46, and 47 recite similar limitations to those discussed in the response to Claim 1. For at least the reasons discussed in the response to Claim 1, Claims 24, 46, and 47 are patentable over Sato.

The dependent claims rejected under 25 U.S.C. 102 not yet discussed depend from Independent Claim 1 or Independent Claim 24, incorporating limitations therefrom. As explained above, these independent claims include limitations that define patentable subject matter. Therefore, these dependant claims recite patentable subject matter for at least the same reasons their respective independent claims recite patentable subject matter.

35 U.S.C. 103

Claims 9, 16-18, 22, 32, 39-41 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato, in view of Nomura US 2003/0188017 ("Numura"). The rejection is traversed for the following reasons.

Claims 9, 16-18, 22, 32, 39-41 and 45 depend from Independent Claims that are discussed herein as patentable over Sato. Nomura fails to remedy the deficiency in Sato with respect to the Independent claims. Therefore, the independent claims are patentable over the combination of Sato and Nomura. Consequently, the dependent claims are allowable based on there dependency. These dependent claims recite additional limitations, which further distinguish over the cited art.

CONCLUSION

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicants petition for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

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Ronald M. Pomerenke
Reg. No. 43,009

2055 Gateway Place, #550
San Jose, CA 95110
Telephone: (408) 414-1080, ext. 210
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on April 19, 2006 by Trudy Bagdon